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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/932,244	08/17/2001	Josh R. Roberts	01-020 CIP	5100

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EXAMINER
BARAN, MARY C

ART UNIT	PAPER NUMBER
2857	

DATE MAILED: 02/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/932,244	ROBERTS, JOSH R.	
	Examiner	Art Unit	
	Mary Kate B Baran	2857	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *25 October 2001* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-27* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-27* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Drawings

1. The drawings are objected to because:

(a) Figures 3-5 show empty blocks and boxes with no text labels.

(b) In Figures 6B and 6C, some of the labeling text is cut off due to the box size.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

2. The disclosure is objected to because of the following informalities:

(a) On page 2 line 15 "f" should be –of—.

(b) On page 10 line 1, "collect" should be –collects—.

(c) On page 12 line 7, "Webbased" should be –Web based—.

(d) On page 13 line 3, "Using appropriately configured transmitter or receiver" should be –Using an appropriately configured transmitter or receiver—.

(e) On page 13 line 3, "execute a software for" should be –execute a software program for—.

(f) On page 15 line 3, there should not be a "?" after "Web server 20?".

Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 10-17, 24, 26 and 27 are rejected under 35 U.S.C. 102(b) as being anticipated by Su (U.S. Patent No. 6,052,066).

Referring to claim 1, Su teaches a system for processing information which is remotely accessible for computerized monitoring, management and control of a condition (see Su, column 3 lines 22-32), comprising: at least one sensing device that detects said condition to provide a corresponding electrical signal representative of said condition (see Su, column 4 lines 1-11), a data collector that processes said electrical signal to provide data relating to said condition (see Su, column 4 lines 12-14), a transmitter that transmits said data over a communication link (see Su, column 4 lines 23-28), and a computer system that manages the remote gathering, transmission, processing, storage, access, presentation and use of said data (see Su, column 4 lines 34-45).

Referring to claim 10, Su discloses a receiver for processing a request for information over the communication link (see Su, column 4 lines 47-56).

Referring to claim 11, Su teaches a transmitter which transmits said data based on said request (see Su, column 4 lines 57-67).

Referring to claim 12, Su discloses a transmitter which transmits said data periodically or continuously (see Su, column 4 lines 29-33).

Referring to claim 13, Su teaches a condition which relates to at least one of a pest or a bait or an environmental condition (see Su, column 3 lines 14-17).

Referring to claim 14, Su discloses data corresponding to at least one of weight, acoustic (see Su, column 7 lines 26-36), and moisture (see Su, column 5 lines 26-35).

Referring to claim 15, Su teaches a sensing device comprising at least one of, a pressure sensing device or a moisture meter (see Su, column 7 lines 26-36).

Referring to claim 16, Su discloses a communication link comprises at least one of a wired link, or a wireless link (see Su, column 4 lines 34-38).

Referring to claim 17, Su teaches a communication link configured in accordance with a predefined communication protocol (see Su, column 5 lines 18-21).

Referring to claim 24, Su teaches a pest detection method, including: sensing a physical characteristic of at least one of a pest or a bait or an environmental condition (see Su, column 4 lines 1-11), generating an electrical signal that corresponds to said physical characteristic (see Su, column 5 lines 26-35), processing said electrical signal

to provide physical characteristic data (see Su, column 5 lines 26-35), and transmitting said physical characteristic data over a communication link (see Su, column 4 lines 57-67), processing said transmitted physical characteristic data to provide detection data (see Su, column 4 lines 14-20), and storing said detection data (see Su, column 5 lines 1-8).

Referring to claim 26, Su discloses receiving request for information at a sensor unit (see Su, column 4 lines 57-67).

Referring to claim 27, Su teaches communicating moisture levels (see Su, column 5 lines 26-35).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 2-9, 18-21 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Su (U.S. Patent No. 6,052,066) in view of Petite et al (U.S. Patent No. 6,437,692).

Referring to claim 2, Su teaches all the features of the claimed invention accept for the computer system comprising a server which processes said data for storage in a

database and provides access to said database for retrieval and use of said data in making determinations related to the detected condition.

Petite et al. teaches a computer system useful in remote monitoring, comprising a server which processes said data for storage in a database and provides access to said database for retrieval (see Petite et al., column 12 lines 15-23) and use of said data in making determinations related to the detected condition (see Petite et al., column 9 line 58 – column 10 line 2 and column 10 lines 22-30).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Su to include the teachings of Petite et al., because storing the data in a database and providing access to this database allows the skilled artisan to record client specific data (see Petite et al., column 6 lines 29-30).

Referring to claim 3, Su teaches a server which remotely hosts hardware and software for managing and maintaining said data and is accessible by users over said communication link (see Su, column 4 lines 47-67). Su does not teach a database. Petite et al. teaches a database (see Petite et al., column 12 lines 15-23).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Su to include the teachings of Petite et al. because providing customer access to the database allows the skilled artisan to record client specific data (see Petite et al., column 6 lines 29-30).

Referring to claim 4, Su teaches all the features of the claimed invention except for users comprised of service providers and customers of said service providers and wherein said server provides data processing for said service providers and said customers to allow gathering, transmission, processing, storage, access, receipt and use of data related to services provided to said customer over the internet.

Petite et al. teaches users comprised of service providers and customers of said service providers and wherein said server provides data processing for said service providers and said customers to allow gathering, transmission, processing, storage, access, receipt and use of data related to services provided to said customer (see Petite et al., column 9 line 58 – column 10 line 2 and column 10 lines 22-30) over the internet (see Petite et al., column 12 lines 15-23).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Su to include the teachings of Petite et al., because storing the data on line and providing access to this data allows the user to request or view the data upon demand (see Petite et al., column 3 lines 40-45).

Referring to claim 5, Su teaches all the features of the claimed invention except for the types of data and the functions performed by said server in processing said data are specified by said customers or said service providers to customize input, access and use of said data or to designate system users and access rights for said users or to identify preferences for managing, processing, and using said data.

Petite et al. teaches the types of data and the functions performed by said server in processing said data are specified by said customers or said service providers to customize input, access and use of said data or to designate system users and access rights for said users or to identify preferences for managing, processing, and using said data (see Petite et al., column 12 lines 15-23).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Su to include the teachings of Petite et al., because implementing customized input allows the user to request pertinent information (see Petite et al., column 8 lines 55-60).

Referring to claim 6, Su teaches all the features of the claimed invention except for multiple data types and multiple server functions being provided to said customers or said service providers such that said data types and server functions are modifiable for different services.

Petite et al. teaches the multiple data types and multiple server functions are provided to said customers or said service providers such that said data types and server functions are modifiable for different services (see Petite et al., column 11 line 33 – column 12 line 23).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Su to include the teachings of Petite et al. because providing the multiple data types and multiple server functions for modification allows

the user to make appropriate modifications based on appropriate feedback (see Petite et al., column 10 lines 24-30).

Referring to claim 7, Su teaches all the features of the claimed invention except for the multiple data types and multiple server functions exist for a single customer or single service provider corresponding to multiple services provided to said customer.

Petite et al. teaches that the multiple data types and multiple server functions exist for a single customer or single service provider corresponding to multiple services provided to said customer (see Petite et al., column 11 line 33 – column 12 line 23).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Su to include the teachings of Petite et al. because providing the multiple data types and multiple server functions for modification allows the user to make appropriate modifications based on appropriate feedback (see Petite et al., column 10 lines 24-30).

Referring to claim 8, Su teaches all the features of the claimed invention except for more than one customer of a single service provider accesses said server for receipt of information of said customer provided by said service provider.

Petite et al. teaches more than one customer of a single service provider accesses said server for receipt of information of said customer provided by said service provider (see Petite et al., column 13 lines 8-30 and column 12 lines 15-23).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Su to include the teachings of Petite et al. because granting customers access to information allows the customer to monitor their own data and match their own requirements (see Petite et al., column 13 lines 23-27).

Referring to claim 9, Su teaches all the features of the claimed invention except for a single customer of more than one service provider accesses said server for receipt of information of said customer provided by each said service provider.

Petite et al. teaches a single customer of more than one service provider accesses said server for receipt of information of said customer provided by each said service provider (see Petite et al., column 13 lines 8-30 and column 12 lines 15-23).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Su to include the teachings of Petite et al. because granting customers access to information allows the customer to monitor their own data and match their own requirements (see Petite et al., column 13 lines 23-27).

Referring to claim 18, Su teaches all the features of the claimed invention except for data which is transmitted over a communication link in a predefined format.

Petite et al. teaches data which is transmitted over a communication link in a predefined format (see Petite et al., column 6 lines 20-30).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Su to include the teachings of Petite et al., because

transmitting data in a predefined format allows the skilled artisan to communicate various information across a WAN (see Petite et al., column 6 lines 23-30).

Referring to claim 19, Su teaches all the features of the claimed invention except for a communication protocol which corresponds to at least one of TCP/IP, X-10 protocol, CeBus, and Lonworks.

Petite et al. teaches a communication protocol which corresponds to TCP/IP (see Petite et al., column 6 lines 20-30).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Su to include the teachings of Petite et al., because transmitting data in a predefined format allows the skilled artisan to communicate various information across a WAN (see Petite et al., column 6 lines 23-30).

Referring to claim 21, Su teaches a sensor unit which generates physical characteristic data in connection with at least one of a pest of a bait or an environmental condition (see Su, column 3 lines 14-17), said data collector receives said physical characteristic data for transmission over said communication link (see Su, column 4 lines 57-67), and a computer system comprises a server that processes said transmitted physical characteristic data to provide detection data (see Su, column 4 lines 12-20). Su does not teach a database accessible by a server which stores said detection data.

Petite et al. teaches a database accessible by a server which stores said detection data (see Petite et al., column 12 lines 15-23).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Su to include the teachings of Petite et al., because storing the data in a database and providing access to this database allows the skilled artisan to record client specific data (see Petite et al., column 6 lines 29-30).

Referring to claim 23, Su teaches all the features of the claimed invention except for a server which provides access to said database over a network of interconnected client stations.

Petite et al. teaches a server which provides access to said database over a network of interconnected client stations (see Petite et al., column 12 lines 15-23).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Su to include the teachings of Petite et al., because storing the data in a database and providing access to this database allows the skilled artisan to record client specific data (see Petite et al., column 6 lines 29-30).

5. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Su in view of Petite et al. and further in view of Chou (U.S. Patent No. 6,327,533).

Referring to claim 20, Su and Petite teach all the features of the claimed invention except for a communication protocol which corresponds to a wireless application protocol.

Chou teaches a communication protocol which corresponds to a wireless application protocol (see Chou, column 7 lines 19-37).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Su and Petite et al. to include the teachings of Chou, because transmitting data using a wireless protocol allows the skilled artisan to more easily switch between networks using a communication device (see Chou, column 13 lines 7-11).

6. Claims 22 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Su in view of Petite et al. and further in view of Mahler (U.S. Patent No. 5,748,852).

Referring to claims 22 and 25, Su further teaches pests or pest treatment, but does not teach processing physical characteristic data to determine the type of detected object.

Mahler teaches using remote monitoring to determine an object by processing acoustic data to determine physical characteristic data which in turn identifies an object (see Mahler, column 6 line 66 – column 7 line 15).

It would have been obvious at the time the invention was made to one of ordinary skill in the art to modify Su and Petite to include the teachings of Mahler because using the processed sensor data to determine the type of pest or pest treatment allows the skilled artisan to automate the entire pest management process, and also allows data to be gathered even in a restricted environment, such as underground, underwater, or a confined space.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

(a) Yarin et al. teaches systems and methods for monitoring patient compliance with medication regimes.

(b) Bouve et al. teaches a system and methods for remotely accessing a selected group of items from a database.

(c) Shepher teaches a system and method for remotely monitoring movement of individuals.

(d) Margrey et al. teaches an interactive remote sample analysis system.

(e) Pallaske teaches a process for detecting insects.

(f) Vick et al. teaches insect detection using a pitfall probe trap having vibration detection.

(g) Litzkow et al. teaches a piezoelectric apparatus and process for detection of insect infestation in an agricultural commodity.

(h) Otomo teaches a termite alarm unit.

(i) Clark, Jr. et al. teaches a computer network for collecting and analyzing agronomic data.

(j) Farrell et al. teaches an electronic pest monitoring system and method.

(k) Yokajty et al. teaches a method and apparatus for determining orientation of parts resting on a flat surface.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mary Kate B Baran whose telephone number is (703) 305-4474. The examiner can normally be reached on Monday - Friday from 8:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marc S Hoff can be reached on (703) 308-1677. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9318 for regular communications and (703) 872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1782.

MKB
January 24, 2003

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